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Attorney for Debtor

The following constitutes
the order of the court. Signed September 28, 2017

Stephen L. Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

* see reason below

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 10-59396
Chapter 7

Majid Marhamat

ORDER GRANTING MOTION TO AVOID
JUDICIAL LIEN UNDER 11 U.S.C. §522 (f)(1)(A)
(Lawrence Wu and Melea Men)

Debtor.

Debtor's Motion to Avoid the Judicial Lien under 11 U.S.C. §522 (f)(1)(A)(Lawrence Wu and Melea Men) having been given to the Chapter 7 Trustee and the affected party, Lawrence Wu and Melea Men, through their attorney, Stephen R. Oliver, Oliver & Stephenson, 2176 The Alameda, San Jose, CA 95126, and good cause appearing therefore:

IT IS HEREBY ORDERED that the judicial lien of creditor, Lawrence Wu and Melea Men, for \$267,859.38 as a judicial lien recorded with the Santa Clara County Recorder's Office on or about August 20, 2008 under Document Number 19960842 of the Official Records of Santa Clara County, that has attached to Debtor's real property, commonly known as 18394 Montpere Way, Saratoga, CA 95070-4746, is hereby avoided in its entirety.

END OF ORDER

* Service is deficient. A motion to avoid lien is a contested matter under FRBP 9014 and must be served according to FRBP 7004. FRBP 7004(b)(1) requires service upon an individual on his or her dwelling house, usual place of abode, or place of business. Debtor served Creditors c/o their state court counsel Stephen Oliver, who has not appeared in this case. Service on state court counsel is insufficient unless debtors can provide evidence counsel was appointed by Creditors to receive service of process on its behalf in the bk. See In re Villar, 317 B.R. 88 (9th Cir. BAP 2004).

COURT SERVICE LIST

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